

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION



**IN RE: DAVOL, INC./C.R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION**

MDL No. 2846

TRANSFER ORDER

Before the Panel:* Plaintiffs in fifteen of the actions listed on Schedule A pending in seven districts move under 28 U.S.C. § 1407 to centralize pretrial proceedings in this litigation in the Southern District of Ohio or, alternatively, the Western District of Missouri. Plaintiffs in more than 30 actions support centralization in one or both of these districts. Plaintiffs' motion involves 53 actions pending in 21 districts, as listed on Schedule A.¹ The Panel also has been notified of 69 potentially-related actions ("potential tag-along actions") pending in 27 districts.²

Movants take the position that the MDL should not include cases involving the Bard Composix Kugel Hernia Patch ("CK Patch"). Defendants C.R. Bard, Inc. and Davol Inc. do not oppose centralization of litigation involving their polypropylene hernia repair products, but only if all such products (including the CK Patch) are included in centralized proceedings. Defendants suggest the District of New Jersey or the Southern District of New York or, alternatively, the Eastern District of New York, the District of Rhode Island, or the Eastern District of Louisiana as transferee district. Plaintiff in one potential tag-along action opposes inclusion of the CK Patch cases.³ In reply, movants argue that the transferee court should determine whether the MDL should include CK Patch cases.

On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization in the Southern District of Ohio will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All of the actions share common factual questions arising out of allegations that defects in

* Judge Lewis A. Kaplan and Judge Ellen Segal Huvelle took no part in the decision of this matter.

¹ Two additional actions included in the motion for centralization have been dismissed.

² See Panel Rules 1.1(h), 7.1, and 7.2.

³ Plaintiffs in two additional potential tag-along actions initially opposed inclusion of the CK Patch cases but withdrew their opposition and now support centralization of all actions in the Southern District of Ohio.

defendants' polypropylene hernia mesh products can lead to complications when implanted in patients, including adhesions, damage to organs, inflammatory and allergic responses, foreign body rejection, migration of the mesh, and infections. Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel, and the judiciary.

Whether to include the CK Patch cases in centralized proceedings is a question not currently before the Panel, as none of the cases on the motion involve the CK Patch. We will address this question in due course through the conditional transfer order process.

We find that the Southern District of Ohio is an appropriate transferee district. It is centrally located geographically, making it a convenient forum for this nationwide litigation. Eight actions are pending in this district, six of them before Judge Edmund A. Sargus, an experienced transferee judge who will steer these cases on a prudent course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Southern District of Ohio are transferred to Southern District of Ohio and, with the consent of that court, assigned to the Honorable Edmund A. Sargus for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Sarah S. Vance
Chair

Marjorie O. Rendell
R. David Proctor

Charles R. Breyer
Catherine D. Perry

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SCHEDULE A

District of Arizona

BOURLOKAS v. DAVOL INCORPORATED, ET AL., C.A. No. 2:18-00615

Eastern District of California

SILBER, ET AL. v. DAVOL, INC., ET AL., C.A. No. 1:18-00479
GRESCHNER v. CALIFORNIA DEPARTMENT OF CORRECTIONS &
REHABILITATION, ET AL., C.A. No. 2:15-01663
HANSEN v. DAVOL, INC., ET AL., C.A. No. 2:18-00495

Southern District of Florida

DAWSON-WEBB v. DAVOL, INC., ET AL., C.A. No. 0:17-62012
BARBAREE v. DAVOL, INC., ET AL., C.A. No. 9:18-80243

Central District of Illinois

MCGINNIS v. C.R. BARD, INC., ET AL., C.A. No. 1:16-01255

Northern District of Illinois

COLEMAN v. DAVOL, INC., C.A. No. 1:18-01706

Eastern District of Kentucky

MOORE v. C.R. BARD, INC., ET AL., C.A. No. 0:17-00132

Western District of Kentucky

WHITEHOUSE v. DAVOL, INC., ET AL., C.A. No. 3:18-00020

Eastern District of Louisiana

STIPELCOVICH v. C.R. BARD, ET AL., C.A. No. 2:17-09656
MCMANUS v. C.R. BARD, ET AL., C.A. No. 2:17-11836
BAPTIST v. C.R. BARD, INC., ET AL., C.A. No. 2:17-12718
ROBERTS, SR., ET AL. v. C.R. BARD, INC., ET AL., C.A. No. 2:17-13657

MDL No. 2846 Schedule A (Continued)

Eastern District of Louisiana (Cont.)

SANDERS, ET AL. v. C.R. BARD, INC., ET AL., C.A. No. 2:18-02884

Southern District of Mississippi

DOVE v. DAVOL, INC., ET AL., C.A. No. 3:18-00003

Eastern District of Missouri

GREENWOOD v. DAVOL, INC., ET AL., C.A. No. 2:17-00039

BROYLES v. DAVOL, INC., ET AL., C.A. No. 4:18-00513

Western District of Missouri

COUSSAS v. DAVOL, INC., ET AL., C.A. No. 2:18-04015

POWELL v. DAVOL, INC., ET AL., C.A. No. 3:18-05019

LYON v. C.R. BARD, INC., ET AL., C.A. No. 4:18-00039

ELI v. C.R. BARD, INC., ET AL., C.A. No. 4:18-00116

ELLIOT v. C.R. BARD, INC., ET AL., C.A. No. 4:18-00125

HEILI v. C.R. BARD, INC., ET AL., C.A. No. 4:18-00130

MANUEL v. C.R. BARD, INC., ET AL., C.A. No. 4:18-00131

POWELL v. DAVOL, INC., ET AL., C.A. No. 4:18-00156

SCHAPELER v. DAVOL, INC., ET AL., C.A. No. 4:18-00169

CHRISSAN v. C.R. BARD, INC., ET AL., C.A. No. 4:18-00171

ROWE v. C.R. BARD, INC., ET AL., C.A. No. 6:18-03019

LEE v. C.R. BARD, ET AL., C.A. No. 6:18-03075

District of New Jersey

OGLE v. C.R. BARD, INC., ET AL., C.A. No. 2:18-00819

BURGESS v. C.R. BARD, INC., ET AL., C.A. No. 2:18-01390

SPENCER v. C.R. BARD, INC., ET AL., C.A. No. 2:18-01692

GALLOW v. C.R. BARD, INC., ET AL., C.A. No. 2:18-02533

VOLPE v. C.R. BARD, INC., ET AL., C.A. No. 2:18-02602

ZEMKO v. C.R. BARD, INC., ET AL., C.A. No. 2:18-02742

NEWLAND, ET AL. v. C.R. BARD, INC., ET AL., C.A. No. 2:18-02915

MDL No. 2846 Schedule A (Continued)

District of New Mexico

NANCE v. C.R. BARD, INC., ET AL., C.A. No. 1:18-00003

Eastern District of New York

FURLEITER v. DAVOL, INC., ET AL., C.A. No. 2:18-01229

Northern District of Ohio

KNAUSS, ET AL. v. DAVOL, INC., ET AL., C.A. No. 3:18-00316

Southern District of Ohio

LANE v. DAVOL, INC., ET AL., C.A. No. 2:18-00164

CURREY v. DAVOL, INC., ET AL., C.A. No. 2:18-00222

ABSHIRE, ET AL. v. DAVOL, INC., ET AL., C.A. No. 2:18-00268

Eastern District of Pennsylvania

WROTEN, ET AL. v. C.R. BARD, INC., ET AL., C.A. No. 2:17-04546

GORDON v. C.R. BARD, INC., ET AL., C.A. No. 2:17-04553

District of South Carolina

BROWN v. C.R. BARD, INC., ET AL., C.A. No. 2:18-00580

CAMPBELL, ET AL. v. C.R. BARD, INC., ET AL., C.A. No. 2:18-00581

ADAMS v. C.R. BARD, INC., ET AL., C.A. No. 2:18-00582

BRUGGER, ET AL. v. C.R. BARD, INC., ET AL., C.A. No. 3:17-00228

Middle District of Tennessee

TERRELL v. C.R. BARD, INC., ET AL., C.A. No. 3:17-01575

Eastern District of Texas

WILLIAMS v. DAVOL, INC., ET AL., C.A. No. 1:18-00151

MDL No. 2846 Schedule A (Continued)

Southern District of Texas

BECERRA v. C.R. BARD, INC., ET AL., C.A. No. 1:18-00023

Southern District of Texas (Cont.)

WADE v. DAVOL, INC., ET AL., C.A. No. 4:18-01112